

REMARKS**Claim amendments**

Claims 9, 10, 18, 19, 24, 25, 30, 31, 38 and 39 have been amended. Support for the amendments can be found, for example, on page 11, lines 4-16 of the specification.

Rejection of Claims 10, 19, 25, 31 and 39 under 35 U.S.C. §112, first paragraph

The rejection of Claims 10, 19, 25, 31 and 39 under 35 U.S.C. §112, first paragraph is maintained. The Examiner states that "the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention, because the specification does not provide evidence that the claimed biological materials are (1) known and readily available to the public; (2) reproducible from the written description" (Office Action, page 2). The Examiner further states that a deposit of monoclonal antibody 26-10 "remains necessary because it would make the claimed antibody available to the public and would allow one of ordinary skill in the art to practice the claimed invention" (Office Action, page 3). The Examiner suggests adding the language at page 11, lines 9-11 of the specification to the claims.

Applicants would like to thank the Examiner for the suggested claim amendments, and indeed, have added such claim language to Claims 9, 18, 24, 30 and 38. In addition, it has come to the attention of Applicants' Attorney that the anti-digoxin monoclonal antibody 26-10 (specification, page 16, lines 4-10) has been previously deposited with the ATCC and is now publicly available. Ms. Marie Harris of the ATCC Patent Department confirmed the deposit and public availability of monoclonal antibody 26-10 in an e-mail to Applicants' Attorney dated October 20, 2003. A copy of the e-mail is being filed concurrently as the Exhibit.

Accordingly, Applicants have provided an enabling disclosure for the full scope of the claimed invention.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Anne J. Collins
Anne J. Collins
Registration No. 40,564
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: October 21, 2003